

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3, 5-7, 10, 12-19, 21, 23-30, 32, 34-41, 44-47 are pending in the application, with claims 1, 19, 29, 40, and 41 being the independent claims. Claim 40 has been amended. The amendment introduces no new matter and its entry is respectfully requested.

Claim 40 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,820,762 to Bamer et. al. (hereinafter "Bamer").

Claims 1, 3, 5-7, 10, 12-16, 18, 19, 23-26, 28-30, 32, 34-37, 39-41, and 44-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 971,578 to Walker (hereinafter "Walker") in view of U.S. Patent No. 6,793,811 to Fleischmann (hereinafter "Fleischmann").

Claims 1, 3, 5-7, 10, 12-14, 19, 21, 23-24, 28-30, 32, 34-35, 40, and 41 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 3,465,885 to Trump (hereinafter "Trump") in view of Fleischmann.

Claims 17, 27, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over "any of the above prior art references" and in further view of U.S. Patent No. 6,821,427 to Macpherson et. al. (hereinafter "Macpherson").

Based on the above amendment and the following Remarks, Applicant respectfully requests that the Examiner enter the above amendment and reconsider all outstanding objections and rejections and that they be withdrawn.

I. Claim 40 is Not Anticipated by Bamer.

Claim 40 stands rejected as anticipated by Bamer. For the following reasons, Applicant respectfully requests that this rejection be withdrawn.

Claim 40 recites "providing a bypass route for said water to pass through the apparatus to one or more water collection points." Bamer does not disclose or suggest a bypass route for said

water to pass through the apparatus to one or more water collection points. Applicant respectfully disagrees with Examiner's holding that the tube 46 with end 48 is a bypass route. As Bamer notes, "FIG. 1 shows an arrangement for periodically removing samples of water that has passed through the filter bags....There is shown a long tube 46 having an open end 48...where an open bottom end 52 is inserted into cup 54. Cup 54 has a flared lip 56 which clips onto the bottom surface of diffuser plate 30....When a vacuum is created in tube 46 using hand pump 56, the water in cup 54 is withdrawn into the hand pump 56." Bamer, col. 5, ll. 23. Indeed, rather than a bypass route as claimed, tube 46 appears to end in cup 54 and appears to be used for sample collection. Because Bamer fails to disclose or suggest the claimed apparatus including a bypass route as claimed, claim 40 is allowable over Bamer and Applicant respectfully requests that the Examiner withdraw the rejection.

II. Claims 1, 3, 5-7, 10, 12-16, 18, 19, 23-26, 28-30, 32, 34-37, 39-41, and 44-47 Are Allowable Over Walker in view of Fleischmann.

Claims 1, 3, 5-7, 10, 12-16, 18, 19, 23-26, 28-30, 32, 34-37, 39-41, and 44-47 stand rejected as unpatentable over Walker in view of Fleischmann. For the following reasons, Applicant respectfully requests that this rejection be withdrawn.

Claims 1 recites "wherein said first route comprises two or more fluid treatment elements" as well as "bypass adapted to provide a first alternative route for fluid to pass through said apparatus to said first outlet." Claim 19 recites "first bypass adapted to provide an alternative route for fluid to pass through said downspout filter to said first outlet." Claim 29 recites "said primary bypassing means adapted to provide a first alternative route for fluid to pass through said apparatus to said first means for passing fluid out of said apparatus." Claim 40 now recites "providing a bypass route for said water to pass through the apparatus to one or more water collection points" as well as "passing said filtered water through a water filtration outlet."

Claim 41 recites "a bypass adapted to provide an alternative route for fluid to pass through said downspout filter to said first outlet"

Examiner states that "it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the cartridge filter of Fleishmann as the second filter of Walker, since Walker teaches the benefits of filtering hydrocarbons and easier lifting of filter cartridges for repair and/or replacement." Applicant understands Examiner to mean "it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the cartridge filter of Fleishmann as the second filter of Walker, since Fleishmann teaches the benefits of filtering hydrocarbons and easier lifting of filter cartridges for repair and/or replacement."

Walker does not disclose or suggest a bypass to a first outlet or to a water collection point or a bypass through said apparatus. Application respectfully disagrees with Examiner's characterization of stem or post 19 as a bypass. As clearly indicated in Walker, stem or post 19 is not capable of serving as a bypass, especially because elbow 5 "communicates with the interior of the said pipe and the upper side of which extends across the bore of the pipe so as to form a partition which will effectually prevent flow through the pipe above the partition." Walker, col. 1:50-col. 2:2. Moreover, elbow 20 "communicates with the interior of the stem, near the upper end of the same, and has its lower side extending across the bore of the stem...in order to prevent the flow of any water through the stem below the elbow. Walker, col. 2:102-col. 2:108. See also Walker, col. 3:20-37.

Examiner does not explain how Walker or Fleishmann disclose or suggest, alone or in combination, a bypass to a first outlet, to a water collection point or through the apparatus. Because Walker and Fleishmann do not disclose or suggest the invention as claimed, claims 1, 19, 29, 40, and 41 are allowable over Walker in view of Fleishmann. Claims 3, 5-7, 10, 12-16, 18, 23-26, 28, 30, 32, 34-37, 39, and 44-47 depend from claims 1, 19, 29, 40, and 41 and are allowable for at least these reasons. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3, 5-7, 10, 12-16, 18, 19, 23-26, 28-30, 32, 34-37, 39-41, and 44-47.

III. Claims 1, 3, 5-7, 10, 12-14, 19, 21, 23, 24, 28-30, 32, 34, 35, 40, 41, and 45-47 Are Patentable Over Trump in View of Fleischmann.

Claims 1, 3, 5-7, 10, 12-14, 19, 21, 23-24, 28-30, 32, 34-35, 40, and 41 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Trump in view of Fleischmann. For the following reasons, Applicant respectfully requests that this rejection be withdrawn.

Independent claims 1, 19, and 41 recite a “bypass adapted to provide a first alternative route for fluid to pass through said apparatus.” Independent claim 29 recites “a bypass means” and Independent claim 40 recites “a bypass route.” Applicant respectfully disagrees with Examiner’s description of Trump. Trump does not disclose a bypass, bypass means, or bypass route.

Examiner states that “Trump doesn’t teach a filter basket but not two filtering element wherein at least one comprises an enclosure and an absorbent material capable of filtering hydrocarbons.” Applicant understands Examiner to mean that it is the Examiner’s belief that Trump teaches a filter basket but that Trump does not teach two filtering elements wherein at least one comprises an enclosure and an absorbent material capable of filtering hydrocarbons. To remedy this defect, Examiner points to Fleischmann.

Applicant respectfully disagrees with Examiner’s characterization of Trump. For various reasons, Trump and Fleischmann do not disclose all the limitations of these claims. Of Trump, Examiner states that “when removable basket filter...becomes clogged, all flow is directed to an alternate route to flow through 24 to the same outlet 22.” However, as noted in the specification of Trump, “[i]n the operation of this device, water and debris...flow downwardly through the said primary passageway 27 thereof, the water passing both through the apertures 49 in the upper wall 25 of compartment member 24 and the apertures in the base 50 of tray 23....” Therefore, apertures 49 and those in 50 may work together to filter debris from water and serve as a single filter, which is not entirely removable. Trump states that “interior portion 27...constitutes the main or primary passageway for liquid.” Trump, col. 3:16-26. Wall 26 of compartment 24 communicates with interior portion 27 and appears to communicate with the output of basket 23. Trump, Fig. 5. Applicant is unclear how the debris collector in Trump discloses the claimed invention by virtue of interior 24. That is reinforced by the Trump specification which says

"[s]hould there be such a rapid accumulation of water as to extend above the top of member 24, the water will be discharged externally through the said overflow outlets 33 at the upper portion of said inlet portion 21." Trump, col. 4, ll. 49-53. Inlet portion 21 contains spaces 33, which discharge overflow. However, these spaces discharge overflow out the top of debris collector unit 15, not outlet 22 and do not provide an *alternative flow route through a bypass*, bypass means, or bypass route. For, at least this reason, Examiner has failed to point out how Trump and Fleishmann, taken alone or in combination, disclose or suggest a the claimed subject matter.

Moreover, Applicant disagrees with Examiner's motivation for combining Trump and Fleishmann. Examiner states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have the cartridge filter unit of Fleishmann as the filters of Walker, since Walker teaches the benefits of filtering hydrocarbons and easier lifting of filter cartridges for repair and/or replacement." Applicant understands Examiner to mean "it would have been obvious to one of ordinary skill in the art at the time of the invention to have the cartridge filter unit of Fleishmann as the filters of Trump, since Fleishman teaches the benefits of filtering hydrocarbons and easier lifting of filter cartridges for repair and/or replacement." However, Examiner offers no motivation for why a person of ordinary skill in the art would be motivated to combine the Debris Collector for Water Drainage Pipes of Trump with the Runoff Drain Filter of Fleishmann and why one of ordinary skill in the art would necessarily be motivated by hydrocarbon filtering water drainage pipes.

Also, Examiner states that "[i]t also would have been obvious since the filtering system of Fleishmann is also for filtering runoff water and simple substitution." However, it is unclear to Applicant that both Fleishmann and Trump are directed to the same runoff filtering as Examiner has depicted, or that the Debris Collector of Trump would be capable of merely supporting or being combined with the preferable four 5-gallon buckets of Fleishman.

IV. **Claims 17, 27, 38 Are Allowable Over Macpherson**

Claims 17, 27, 38 stand rejected as obvious in view of Macpherson in light of "any of the above prior art rejections of sections 5 and 6 above, and in further view of Macpherson." For the following reasons, Applicant respectfully requests that this rejection be withdrawn.

As noted above, Examiner has failed to point how Walker, Fleishmann, or Trump, taken alone or in combination, disclose or suggest all the limitations of claims 1, 19, and 29. Because these references fail to disclose or suggest all of the claim limitations of these independent claims, claims 17, 27, 38, which depend from claims 1, 19, and 29, are allowable for at least these reasons. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 17, 27, 38.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

Michael J. Bell (Reg. No. 39,604)

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HOWREY LLP
2941 Fairview Park Drive, Box 7
Falls Church, VA 22042
(703) 663-3600